

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>FORT WEEKEND, LLC</b>	§
<i>Plaintiff,</i>	§
	§
	§
<b>vs.</b>	§ <b>CIVIL ACTION NO.</b>
	§
	§
<b>EFFIAS.COM, LLC, NHU NGOC LE, and ERIC LE a/k/a ERIC LI</b>	§ <b>JURY DEMANDED</b>
<i>Defendants.</i>	§

**PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND**

Plaintiff Fort Weekend, LLC, by it's attorney of record, Robert S. Davis, as and for it's Complaint against Defendants Effias.Com, LLC, Nhu Ngoc Le and Eric Le a/k/a Eric Li, herein complains and alleges as follows:

**I. PARTIES**

- A. Plaintiff Fort Weekend, LLC (Plaintiff) is a Texas limited liability company based in Fort Worth, Texas that designs, creates, markets and sells children's sleeping bags, play mats, crib sheets and other products for children. Fort Weekend, LLC was started by two enterprising young mothers, Casey Davis Lebus and Margaret Marie Lebus, who invested their savings into an entrepreneurial venture as part of their American Dream. All the Plaintiffs suffered substantial financial damages and severe mental anguish and emotional distress.
- B. Effias.Com LLC (hereinafter Effias) is a limited liability company based out of California that broke it's contract with Fort Weekend, LLC and intentionally defrauded Fort Weekend and it's principles Casey Lebus and Margaret Lebus.
- C. Defendants Nhu Ngoc Le and her spouse Eric Le (also stated sometimes as Eric Li) are principals of Effias and together with Effias, and in conspiracy with Effias, intentionally defrauded Fort Weekend, LLC. The principal place of business and residence is, upon information and belief, San Jose, California, specifically 2870 Glen Ascot Way, San Jose, California 95418. The address where the Defendants store their materials and potentially their client's finished products is 950 University Avenue, Unit #1095, Los Gatos, CA. 95032. The Defendants' shipping address is 15466 Los Gatos Blvd #190325, Los Gatos, CA 95032.
- D. Jurisdiction is vested in this Court based on diversity of citizenship pursuant to 28 U.S.C. 1982, and the amount in controversy in this case is greater than \$75,000.00.

## II. FACTS

As detailed in the timeline below, Fort Weekend contracted with Effias for the manufacture of their line of children's products. Fort Weekend, LLC is a young company started by two sisters-in-law, who, as they each raised their young children, realized that there were no attractive and well designed lines of products for items such as children's sleeping bags for overnight stays, slumber parties and family holidays. With a great entrepreneurial spirit, and as members of a new generation pursuing the American Dream, Casey Davis Lebus and Margaret Lebus, with the unbridled support of their spouses, invested their savings and started Fort Weekend, LLC. After their very successful launch, a very successful marketing campaign and great sales of the first run of their products, Fort Weekend began looking for another manufacturer who could produce their products at a higher quality level. After receiving the sales pitch from Effias, Fort Weekend went through the labor intensive process of choosing designs, fabrics and combing through every detail with Effias. Fort Weekend had outside testing facilities test the fabric and the product samples from Effias to ensure product safety and quality. Fort Weekend examined the samples, corrected flaws in the samples and sent the changes to Effias. Effias falsely represented that the fist large order of products was completed and ready to ship. Effias asked Fort Weekend to make final payment for the large shipment at the time that Effias made the misrepresentation that the product was being loaded on the "Ship" for transport. Effias then lied to Fort Weekend repeatedly, stating that the product order had been manufactured and placed in shipping. Effias made repeated misrepresentations that the delivery of the product was delayed for a variety of reasons, from a back up at the Panama Canal to intentional delays by the company that owned the Ship to negotiate future pricing. Then Effias falsely represented that there was a delay in customs, but the product would be shipped to Fort Worth soon. Effias then represented that the product had been shipped from the Port of Charleston, South Carlina to Fort Worth and would arrive in three days. The date for the alleged delivery from the Port of Entry came and passed, then Effias stopped responding to e-mails, text messages and phone calls. To this day, Effias has completely stopped responding to e-mails, text messages or phone calls from Fort Weekend. The following is a time line detailing the communications and transaction details between Effias and Fort Weekend.

8/15/23: Fort Weekend made initial contact with Effias.com, LLC via email, re: possible manufacturing contract.

8/15/23: Eric from Effias sent an email response to set up a phone call with Fort Weekend.

8/15/23: Fort Weekend and Effias confirm zoom meeting to be Fri 8/18/23 12:00 CST Zoom link created and sent by Eric from Effias.

8/18/23: Zoom call with Eric from Effias at 12:00 CST with Casey and Meg.

8/18/23: Email recap from Eric regarding meeting details and Effias NDA attached for signature. Eric agrees to create 3 samples of 3 products: sleeping bag, play mat,

crib sheet. Eric requests current inventory samples to be mailed to his address. Eric will send invoice for sample production. Email states, “confident we can produce a better product and speed things up for you.”

8/20/23: NDA signed by Fort Weekend and Eric Li, Effias.com, LLC.

8/21/23: Email sent detailing each of 3 products we wish to create with Effias. Current Inventory Samples of Sleeping bag and Play mat mailed from Fort Weekend to Effias (15466 Los Gatos Blvd, #190325, Los Gatos, CA 95032).

8/21/23: Email Response that Eric has received the information, requests art work patterns, and requests payment for invoice. Agree to schedule call after Effias receives samples in the mail.

8/21/23: Fort Weekend pays invoice 03062679 for \$650.

8/24/23: Eric sends email confirmation that he has received 1 of 2 samples and he requests permission to deconstruct the samples.

8/24/23: Fort Weekend email confirmation ok to deconstruct the samples.

8/25/23: Fort Weekend confirms sample 2 of 2 should arrive to Eric today. Requests zoom call for Monday 8/28/23 at 2 CST.

8/28/23: Zoom Call with Fort Weekend and Effias to discuss samples, tagging, and packaging material.

8/28/23: Email to Effias with Fort Weekend logos, AI artwork files, and specifics of what patterns should be in what product.

8/28/23: Effias confirms files received and agrees to send photos of print proofs.

9/11/23: Effias sends photos of print proofs for samples.

9/11/23: Fort Weekend confirms print photos look good and will wait to receive samples.

9/17/23: Effias confirms samples are on their way “ere” and detailed photos of samples sent of Fiesta Sleeping Bag, Safari Play Mat and Blue Wave Crib Sheet.

9/18/23: Effias requests address to send samples.

9/18/23: Fort Weekend confirms samples should be sent to 3600 W 5th Street, Fort Worth, TX. 76107. Fort Weekend requests pricing and bulk production timelines.

9/18/23: Effias relays pricing information for each product. States that lead time for

production is 28 days.

9/18/23: Effias requests a call to see if we have interest in a limited quantity of custom fabric of which they have extra.

9/19/23: Fort Weekend agrees to a call about fabric. Requests tracking for samples.

9/19/23: Effias sends tracking information and states we should have by Thursday.

9/19/23: Fort Weekend requests call for Friday 9/22/23 at 9:30 CST.

9/19/23: Effias sends Zoom invite for call 9/22/23 9:30 CST.

9/20/23: Effias reports there is a weather delay with the package and suggests we move Zoom Call and sends screenshot of tracking reporting severe weather.

9/21/23: Fort Weekend requests Zoom call be changed to Monday 9/25/23 at 9:30 CST.

9/25/23: Zoom call with Effias at 9:30 CST. Fort Weekend recap email sent to Effias discussing important product details, art files, and tagging information.

9/26/23: Eric confirms via email he understands the important details.

10/5/23: Fort Weekend email requests update from Effias.

10/5/23: Eric states there was a holiday in China so fabric shipments were delayed. States everything is back to normal and we should have shipments next week.

10/10/23: Eric confirms pricing for OEKO-Tex will increase price of sheets.

10/10/23: Fort Weekend confirms price increase is ok  
10/18/23: Fort Weekend email request for update from Effias.

10/18/23: Eric confirms crib sheet will ship tomorrow and play mat will ship Tuesday. Sleeping bag fabric still delayed.

10/19/23: Fort Weekend confirms we look forward to receiving shipment.

10/26/23: Fort Weekend email request for update from Effias about crib sheet and play mat.

10/26/23: Eric states shipping is “low” and we should have crib sheet Wednesday and play mat will be out tomorrow. Sample picture of Safari Crib Sheet attached.

10/27/23: Fort Weekend confirms update

10/31/23: Eric confirms the sample has been sent and we will receive sample Thursday.

11/3/23: Fort Weekend confirms samples have been received. Will review and get back to him by Monday.

11/6/23: Fort Weekend Sample review and questions via email on all products. Request to proceed with sheet production and packaging.

11/6/23: Eric answers all questions and discusses packaging and shipping time. Requests to send deposit invoice.

11/6/23: Phone call with Effias and Fort Weekend to discuss packaging and shipping. Effias states that the crib sheets could arrive before Christmas if shipped via air.

11/6/23: Fort Weekend sends followup email with logos for packaging and tagging.

11/6/23: Fort Weekend pays invoice 03062738 for Crib Sheets Deposit \$3,300.

11/6/23: Eric confirms via email that strike off, sleeping bag and play mat should arrive by Thursday. He is working on the canvas bag sample for sheet packaging.

11/9/23: Strike offs for sheets received and color saturation needs adjustment. Confirm 30 of each crib sheet will ship via air and 170 of each will be shipped via sea.

11/9/23: Eric confirms strikeoffs will be sent and confirmed before production and continuing canvas bag customization.

11/9/23: Fort Weekend requests canvas bag color details to be Sage.

11/9/23: Eric confirms color details of canvas bag will be close to our brand guidelines.

11/9/23: Fort Weekend confirms.

11/13/23: Eric sends detailed spreadsheet about fabric testing included with Effias and which are extra.

11/13/23: Fort Weekend confirms which fabric testing we wish to proceed with.

11/14/23: Fort Weekend sends comments for the play mat changes with photos attached.

11/14/23: Eric responds with answers and verifies changes. Confirms 150 of each

is good for pricing and will prepare invoice for deposit for Play Mats.

11/17/23: Fort Weekend pays invoice 03062744 for Play Mat Deposit \$3,600 and confirms via email exact details of crib sheet process. Awaiting color saturation changes before proceeding with bulk production of crib sheet and play mat.

11/17/23: Eric confirms that crib sheet strike offs are being done, fabric testing has started, and deposit has been received. Canvas bag samples in production. Eric will send play mat s/o to confirm color saturation changes. Eric also suggests another product idea for us related to crib sheet fabric.

11/20/23: Fort Weekend sends comments and changes related to sleeping bag sample with photos attached.

11/21/23: Eric confirms sleeping bag changes and comments. Fort Weekend confirms tag location for sleeping bag.

11/22/23: Eric sends picture via email of Goldie Blue Sheets. Dogs are too small on crib sheet. Safari Crib sheet saturation comparison photos attached.

11/22/23: Confirmed that strike offs for Safari Crib sheet is correct. Request to increase size of dog on Goldie Crib Sheet.

11/26/23: Fort Weekend pays invoice 03062744 for additional Fabric Testing \$250

11/28/23: Fort Weekend requests production of sleeping bags has become a priority and requests timeline for this.

11/28/23: Effias responds confirming sleeping bag strap changes will be prepared for review, printing should be done next week, and stuff could ship out within 3-4 weeks.

11/28/23: Fort Weekend and Effias agree to proceed with new BPA testing for sleeping bag lining.

12/4/23: Fort Weekend email check-in when we will receive Strike offs for crib sheets, sleeping bags, and play mat fabrics.

12/4/23: Eric replies no problems with anything. We will receive the strike offs in the mail. Blue Dog size adjustments continue. Photo previews of strike offs sent via email.

12/4/23: Fort Weekend weekend responds with comments related to photos. Photo of current Goldie Blue product sent to continue size adjustment on Sleeping Bag and Play Mat.

12/4/23: Eric requests measurements from us on actual product.

12/4/23: Fort Weekend sends photos with measurements.

12/4/23: Eric confirms photos are sufficient and says that he won't need to send another s/o.

12/7/23: Eric emails that s/o should arrive tomorrow. Photos of canvas bag attached for comment.

12/7/23: Fort Weekend confirms canvas bag is great. Will await s/o in mail for comment.

12/7/23: Eric discusses production packaging for crib sheets.

12/8/23: Fort Weekend emails details of Play Mat changes and comments for goldie blue and safari. Request to also move forward with a butterfly play mat. Request to move in to production with crib sheets.

12/8/23: Eric confirms and will send additional invoice for butterfly play mat deposit. Says we should have received a butterfly s/o.

12/8/23: Fort Weekend responds that we do not have the butterfly s/o for play mat material, but will be happy with a photo to confirm.

12/8/23: Eric responds with photo of butterfly s/o and says he mailed to us in November.

12/8/24: Fort Weekend pays invoice 03062750 for Butterfly Play Mats \$1,800.

12/9/23: Fort Weekend will look for s/o at office and requests call for 12/11/23 9:30 CST to confirm details of all items in production.

12/9/23: Eric agrees to call and confirms that fabric testing is going fine and he will send reports.

12/11/23: Effias sends photos of color differences between products in goldie blue. Also sends photos of folded crib sheet.

12/11/23: Fort Weekend responds with crib sheet packaging details and requests OEKO-TEX certificate of testing. Fort Weekend also requests update on Sleeping Bag strap changes to approve.

12/13/23: Eric sends OEKO-TEX certificate via email. Confirms that sleeping bag changes should be ready this week and he will send pictures and measurements.

12/15/23: Eric sends photos of sleeping bag strap lengths and tag location for approval. He also located Butterfly strike off and will mail to us for approval.

12/16/23: Eric confirms once s/o approved, we can get sleeping bags in to production with play mats.

12/17/23: Fort Weekend requests update of s/o for Goldie Blue. Awaiting Butterfly as well.

12/18/23: Eric sends photos to confirm Goldie Blue sizing.

12/19/23: Fort Weekend confirms Goldie Blue sizing for play mat and crib sheet.

12/19/23: Eric confirms sizing is an old photo and we should have a new photo in a few days.

12/24/23: Fort Weekend requests update of s/o we have not received.

12/27/23: Eric confirms s/o will be ready on 1/2.

12/29/23: Fort Weekend receives canvas bag choices and chooses white bag.

12/29/23: Eric confirms choice of white canvas bags for sheet packaging. Confirms he can tie a ribbon around sheet + cardboard for packaging.

12/30/23: Fort Weekend requests photo of ribbon.

12/30/23: Eric sends photo of idea via email.

12/30/23: Fort Weekend confirms yes proceed with green ribbon in packaging.

1/3/24: Fort Weekend requests update of s/o we have not received.

1/3/24: Eric responds that he should have s/o pictures tonight and sheets should be in production next week.

1/8/24: Fort Weekend requests update on s/o and what we need to move to approve to move in to production.

1/8/24: Eric sends photos of s/o via email.

1/8/24: Fort Weekend confirms approval of s/o. Confirming details on what is going in to production at this time. Requests timeline of production and receiving a portion via air for photography.

1/8/24: Eric confirms crib sheets will be in production late next week. Play mats

should be in production the following week. Says standard to send Top of Production Samples (TOPS). Fort Weekend request 2 TOPS of each product.

1/9/24: Fort Weekend confirms Sleeping Bag order.

1/10/24: Fort Weekend requests phone call for production status updates and plan.

1/11/24: Fort Weekend pays invoice 03062770 for 3 patterns of 150 sleeping bags each for a total of \$6,075.

1/22/24: Fort Weekend inquires via email if Crib Sheets are in production.

1/22/24: Eric confirms Crib Sheets are in production via email. Issue arises that Sleeping Bag YKK Zippers are custom and cannot be made until 3/7.

1/22/24: Phone call with Eric to confirm YKK zippers from previous manufacturer. Eric sent email confirming address to be sent to in Vietnam 37/33A H. Vă Long, Bìh Hưg Hò B, Bìh Tâ.

1/22/24: Fort Weekend confirms Sleeping Bag order for 3 patterns: Pink Fiesta, Blue Wave, and Butterfly, 150 each. Eric confirms he will update fabric total and send invoice for deposit to start sleeping bag production.

1/23/24: Fort Weekend sends photos confirming zippers for The Sleeping Bag. Eric confirms he has 3 double head zippers to use for TOPS, and will wait for remaining zippers to be delivered from Fort Weekend' previous manufacturer for bulk production.

1/23/24: Fort Weekend pays invoice 03062776 for Canvas Bags \$600.

1/23/24: Fort Weekend sends email to introduce new pattern: The hot air balloon. Also inquire if he can make a tablecloth for us in this pattern quickly.

1/26/24: Fort Weekend emails Eric letting him know we may need someone to go pick up the zippers from previous manufacturer. Eric requests address, contact name, phone number.

1/29/24: Eric emails that he will send his forwarder's warehouse address tonight. He is waiting for logistics team to come in.

1/29/24: Fort Weekend requests when Crib Sheets will be mailed to us so we can set up pre-order online for Fort Weekend customers.

1/29/24: Eric email states they will be out on 2/1. Packing now and waiting for sleeping bag and play mat TOPS to be completed.

1/30/24: Fort Weekend requests forwarding address from Eric about Effias logistic team to send zippers from previous manufacturer.

1/30/24: Eric email states "t' nuts over here with the break." Sends address: :¶« Õò.D 27-28:EFFIAS µç»º:0769-85905699 :13247555476 "hone is the # of our forwarder"

1/30/24: Fort Weekend pays invoice 03062779 for remaining balance of 600 Crib Sheets \$3,300.

1/31/24: Eric sends shipping options and rates via email. Fort Weekend responds with questions and ability to split the shipment and have TOPS + 30 each crib sheet ship via air. Eric explains reasoning for high shipping rates related to Red Sea shipping lanes, air shipment being up 10%, and shipping during Chinese New Year. Eric will confirm final pricing for 2 TOPS + 30 each of 3 crib sheet patterns to ship via air tonight.

1/31/24: Eric sends pricing sheet for air shipment of TOPS + Crib Sheets.

2/1/24: Fort Weekend chooses air shipment FedEx option for \$575 for TOPS and Crib Sheets. Would like to proceed with shipping of these and confirm bulk shipment pricing and plan for remaining items when production is complete. Reminder that we need as soon as possible.

2/1/24: Eric confirms he will get the TOPS and Crib Sheets shipment out now. 3600 W 5<sup>th</sup> Street, Fort Worth, TX 76107 shipment address confirmed.

2/2/24: Eric confirms tracking will be available Sunday night. Care Labels arrived late and need to be sewn on to product.

2/2/24: Fort Weekend pays invoice 03062784 for air shipping TOPS + Crib Sheets \$575.56.

2/5/24: Fort Weekend email check-in to see shipment status of TOPS + Crib Sheets.

2/5/24: Eric confirms products have been shipped in 5 cartons and will send tracking once available. Eric assures us this package is below customs threshold. FedEx will clear shipment in transit and we should see no delays.

2/5/25: Effias and Fort Weekend working together to deliver YKK zippers from previous manufacturer in China to Effias in Vietnam. Determining if shipping or courier delivery is best.

2/5/24: Eric sends tracking information for TOPS + Crib Sheets and confirms it is 4 cartons, not 5.

2/6/24: Fort Weekend requests copy of Tech Spec Packages for all products.

2/6/24: Eric responds that they are “ff” and he will send Tech Packages on the 15th.

2/6/24: Fort Weekend email follow up with ability to make a hot air balloon tablecloth. Eric states there is still time and he can get it to us by 3/1. Fort Weekend states we would need it by 3/4. Eric states he can let us know by the 15th if possible.

2/12/24: Fort Weekend inquires about shipment tracking updates from Effias. Only “n Transit” is showing for tracking number provided to us.

2/12/24: Eric confirms shipment is in Chicago and we should receive in a day or 2, weather permitting. Screenshot of FedEx tracking attached.

2/13/24: Fort Weekend reaches out to Eric about new product development- The Nap Mat. Fort Weekend to mail sample idea for construction of new product to 15466 Los Gatos Blvd, #190325, Los Gatos, CA 95032.

2/14/24: Fort Weekend receives FedEx shipment of TOPS + 90 Crib Sheets in canvas bags. Requests a call for product review for 2/15/24 9:30 CST. Eric confirms he will call us at that time.

2/15/24: Zoom Call. Eric sends zoom meeting link for a call at 9:30 CST. Discussed several notes and comments on sleeping bags, including Butterfly panels sewn upside down and need for play mat artwork to be lined up straight across entire circle.

2/15/24: Safety Requirement tags re- sent for The Crib Sheet, The Play Mat, The Sleeping Bag to confirm which tag corresponds with which product. TOPS had incorrect safety tags in place.

2/16/24: Fort Weekend explains safety tags mixup via email. Eric confirms via email they will get this right on bulk production.

2/19/24: Eric confirms he has received sample of The Nap Mat. Requests call for discussion.

2/19/24: Fort Weekend confirms we can discuss at 9:30 CST today.

2/20/24: Eric “issed the email completely.” Request to talk Wednesday 9:30 CST.

2/21/24: Eric has notes, so says a phone call is fine instead of Zoom. Call completed discussing The Nap Mat and production status of other goods.

2/26/24: Fort Weekend followup with previous manufacturer to ensure zippers are

sent to Effias Vietnam warehouse or forwarder in China today or tomorrow.

2/26/24: Eric confirms he will be on the lookout and usually takes 4-5 days for zippers to arrive to factory.

3/4/24: Fort Weekend email to inquire if Effias warehouse received zippers.

3/4/24: Eric confirms they have not received zippers to forwarder in China or warehouse in Vietnam.

3/5/24: Fort Weekend another followup with previous manufacturer about zippers. Fort Weekend inquires about timeline for Effias custom zippers to be made if these zippers do not arrive from previous manufacturer.

3/5/24: Eric replies via email here has been express shipping craziness in China in the news and requests tracking for zippers. States YKK custom zippers with take 10 days for Effias to make.

3/5/24: Fort Weekend confirms we would like Effias to make the custom size YKK zippers instead of continuing to wait on from previous manufacturer. Eric confirmed he will proceed with this and confirmed these zippers are included in our production cost.

3/7/24: Fort Weekend confirms we will not be receiving zippers from previous manufacturer. Eric confirms Effias has ordered the zippers and is proceeding with sleeping bag production.

3/12/24: Eric sends strike off photo of new hot air balloon pattern and will make nap mat from this fabric.

3/14/24: Fort Weekend email to ask for update on production and shipment times so we can begin discussions about our pre-order for customers.

3/14/24: Eric states he will confirm Monday, but aims for 5/1-5/10 arrival.

3/18/24: Fort Weekend email that we are awaiting shipment information.

3/21/24: Fort Weekend email touching base on shipment information.

3/25/24: Fort Weekend email followup because no response from Effias regarding shipment.

3/25/24: Email from Eric: "i there, Sorry about the late reply. I thought I had replied last week. I tried this morning and that email was stuck in draft too. We were traveling and had spotty connection. My apologies. ERA between 5/8 and 5/10. We'll update you when we are ready to load onto the ship."

3/26/24: Fort Weekend agrees to plan for that arrival time frame and asks to keep posted.

3/26/24: Email from Eric: "on the road visiting customers. Some of them are not as nice as you guys....."

3/26/24: Fort Weekend inquires if this time frame includes time in customs.

3/26/24: Email from Eric: "yes. Clearance is quick (1 day) unless the container is pulled for x-ray but Customs. Deconsolidation takes 3 days usually. Forwarder will contact you a week before arrival to arrange drop off and duty payment etc. We probably will see you guys in the Summer/Fall when we visit customers from TX, FL to NC. I think we'll be ready to pack out in the next day or 2. Will keep you posted. We just need to clear the balance of the payment. Shipping cost we'll settle along with the duty when things land."

3/27/24: Fort Weekend pays invoice 03062803 for remaining balance of Sleeping Bags (Qty450) and Play Mats (Qty 450) \$11,475.

3/28/24: Fort Weekend sends email to confirm final payments for goods have been made.

3/28/24: Email from Eric: "Got it. Thanks. We are using bigger boxes but they are not too heavy. Just easier to pack as they are bulky."

3/29/24: Fort Weekend inquires about final packaging for shipments and when things are being shipped.

4/1/24: Fort Weekend inquires via email about Nap Mat sample and s/o for crib sheet.

4/2/24: Fort Weekend inquires via email about shipping update on bulk shipment.

4/4/24: Fort Weekend inquires via email about shipment status after no response.

4/4/24: Email from Eric states: "I there, Ship leaves tonight. Sorry I missed your email earlier."

4/4/24: Fort Weekend opens online Pre-Orders for products based on Eric's statement that ship with goods leaves tonight.

4/10/24: Fort Weekend requests sailing/shipping information for bulk shipment

4/10/24: Eric email states: "Tracking for bulk won't be available until it lands for clearance."

4/12/24: Eric sends email confirmation he is sending the Nap Mat sample and s/o.

4/14/24: Fort Weekend awaiting nap mat sample and inquiring about price.

4/16/24: Fort Weekend confirming we received hot air balloon nap mat and inquiring where our s/o are.

4/16/24: Eric email response states "We accidentally send the s/o to ourselves. "S/O is being resent to us and we should have by Thursday.

4/16/24: Fort Weekend sends email detailing Nap Mat comments and changes. Photos attached.

4/16/24: Eric confirms that changes to Nap Mat will not be a problem.

4/17/24: Eric states accidentally included another customer sample in our package and asks us to forward on. Says we should receive tomorrow. Eric sends tracking and forwarding label for customer sample. (Going to Brandon Wales in Clinton, LA).

4/23/24: Fort Weekend sends email regarding hot air balloon crib sheet s/o color saturation and inquires about shipping times for this product. Fort Weekend mailed s/o for Brandon Wales per Eric' request.

4/23/24: Eric says shipping and fixing saturation won't be a problem.

4/29/24: Fort Weekend inquires as to landing of large shipment.

4/29/204: Eric states there is a holiday and will send updates when they are back on Wednesday.

5/2/2024: Fort Weekend emails Eric inquiring about our non-woven branded Fort Weekend bags, requesting cost and if this is something he can assist us in making.

5/2/2024: Email from Eric stating he needs to find out, Alibaba often has better pricing on things like this.

5/3/24: Fort Weekend emails requesting Effias inquiring what the status is of large shipment.

5/5/24: Fort Weekend follows up again with Eric regarding the status of large shipment.

5/5/24: Email response from Eric noting that he will update in the morning.

5/7/24: Email from Fort Weekend to Effias regarding update on shipment, Never

heard back after 5/5 email response. Also email to inquire about sheet s/o. Eric states still working on the color and will be ready this week.

5/7/24: Eric responds via email noting that he apologizes for the late reply and looking at a Friday/Monday landing.

5/13/24: Email from Fort Weekend to Effias confirming if the shipment has arrived yet.

5/13/24: Email response from Eric noting that our shipment hasn't arrived yet, there is congestion at the Panama Canal but not a long delay.

5/15/24: Fort Weekend email to inquire about s/o still not being received.

5/15/24: Eric Email response regarding s/o: "They are done. Our fabric manager forgot to include in this week's shipment...They will be here next week."

5/16/24: Email from Eric noting that he believes the ship is through today and he will know in a few hours.

5/16/24: Another FYI email from Eric noting that "They are doing this on purpose" and that shipping rates have increased a lot in the last few weeks as 5/1 is the annual rate increase date. "They slow down to make it look busy."

5/21/24: Email from Fort Weekend to Effias regarding update and if ship made it through and has landed.

5/22/24: Email response from Eric noting that the delivery is through and should land tomorrow.

5/23/24: Email to Eric to inquire about s/o we still have not received.

5/28/24: Email from Fort Weekend to Eric asking if the ship is through and if we should expect delivery this week.

5/29/24: "Email response from Eric noting that the shipment landed and is being unloaded and cleared, will update tomorrow."

5/29/24: Email from Fort Weekend to Eric asking when we could anticipate delivery to us.

5/30/24: Email from Eric noting that part of the shipment would be here Monday and the other part will be here Wednesday.

6/3/24: Email from Fort Weekend to Eric asking if we should still be planning on receipt of the first portion of shipment today.

6/4/24: Email from Fort Weekend to Eric noting that we understand delays occur but to please call us today or respond via email to let us know when to anticipate delivery, we were expecting a call yesterday but it never came and neither did our shipment. Communication is key so please respond.

6/4/24: Email from Eric noting that he is sorry and that he has been on the road.

6/5/24: Email response from Fort Weekend to Effias regarding that we are looking forward to his call.

6/5/24: Phone call with Eric. He assures us shipment is coming that states there were customs issues in Charleston.

6/10/24: Fort Weekend received Hot Air Balloon s/o via mail. Confirm to move forward with option #2. Inquiring about pricing, but state we do not want to move forward with order until large order is received.

6/11/24: Email from Fort Weekend to Eric regarding needing an update as soon as possible, and when we should expect delivery.

6/11/24: Email response from Eric stating that he was on the phone sorting out customs payment and he wil update later today.

6/11/24: Email from Fort Weekend to Effias noting to please keep us updated and let us know if there is anything we can do to help expedite.

6/12/24: Email from Fort Weekend to Effias staying we need a response as to what is going on and whether or not we should be concerned about the shipment getting to us.

6/12/24: Email from Eric noting to please not be concerned and it just took longer than he thought because of “stupid forwarder.”

6/13/24: Email from Fort Weekend to Eric Li asking if it has been released and is on the way.

6/14/24: Email to Eric asking to please provide a new estimated date of arrival and if we need to confirm anything with forwarder. We noted that historically the forwarder has been in direct contact with us before delivery and that we really just need to know when it is going to come.

6/14/24: Email from Fort Weekend to Eric regarding the number he provided for texting is not working, and we need to know ASAP if we can actually anticipate delivery next week, and if not we needed to communicate to our customers and send out an apology email. At this point, our shipment is over a month late.

6/14/24: Email from Eric to Fort Weekend noting that he is “out and about” and his reception is very spotty. Yes, the shipment will arrive next week for sure, and that they will be switching all shipments to air going forward. We have a cheaper method that takes 10-12 days and the cost difference between air is much more manageable.

6/17/24: Email from Fort Weekend to Eric regarding thank you for the update and we are happy to hear of a new plan going forward. Available to talk this morning whenever.

6/17/24: Email to Eric Li noting not to forget to call us today.

6/18/24: No call from Eric Li.

6/18/24: Email sent to Eric from Fort Weekend to please update us and tell us when delivery is arriving.

6/19/24: Email to Eric from Fort Weekend to give us an update and that we are concerned delivery isn’t coming this week again. Can we get in contact with someone else again to help facilitate delivery.

6/19/24: Second email of the day to please call us. States he will call in the morning at 8 his time. Email states “flying today.”

6/20/24: Phone discussion with Eric at 11:30 CST. States he will have the shipment to us by Monday and will send us tracking today. (Last phone call with him).

6/21/24: Email to Eric to inquire about status and tracking of shipment. No Response.

6/22/24: Email to Eric to please let us know information. No Response.

6/23/24: Email to Eric requesting tracking information. No Response.

6/24/24: Email and calls to Eric to let him know we are about to have to start refunding customers if we do not get our shipment or have tracking. No Response.

6/24/24: Second email of the day requesting tracking and requesting refund of money paid until Fort Weekend receives the product.. No Response.

6/25/24: Email and calls to Eric asking what is going on. No Response.

6/26/24: Email Eric and Laila about status of what is going on. No Response. Phone calls to Eric not returned.

6/26/24: Email to Eric requesting Bill Of Lading so we can attempt to locate the

shipment ourselves. No Response.

6/27/24: Email to Eric requesting any information about the shipment. No Response. Phone calls to Eric not returned.

6/27/24: Fort Weekend attempts to reach out to other Effias employees listed on LinkedIn. Phone calls to Eric not returned.

6/28/24: Email to Eric to gain information about shipment. No Response. Phone calls to Eric not returned.

7/1/24: Email to Eric to gain information about shipment. No Response. Phone calls to Eric not returned.

7/11/24: Email to Eric asking for any information at all.

7/19/24: Finally received an email update from Eric stating that "e are in the process of winding down our operations because of cash flow issues. A series of unscrupulous supplier and subcontractor actions drained our resources very rapidly. We have laid off 95% of our staff in the last few weeks. We have some completed products, including yours, that we don't have access to as the logistics companies are holding the shipments. We are trying to avoid a bankruptcy filing in order to not jeopardize the shipments that are on hold. We are working on getting the shipments to customers but it's a struggle. We apologize but we believe it's the best course of action. We don't yet know when we can get them to you. But it seems like we are making progress. We'll update you once we have news."

7/19/24: Fort Weekend responded to Eric that we would be thrilled with any progress and to keep us updated.

7/22/24: Followed up with Eric regarding status and if any updates.

7/24/24: Followed up again with Eric and team, no response.

7/29/24: Received text message from Laila stating our 510 crib sheets were ready to ship out and once payment is made they can ship out.

8/5/24: Casey texted Laila asking for update on quote to have everything shipped out

8/5/24: Laila texted she got a quote and emailed me along with someone else from team with quote and next steps.

8/6/24: Text to Laila asking if there is anything that needs to be done

8/13/24: Crib sheets were finally delivered and received at Fort Weekend office.

8/16/24: Email to Eric and team asking for an update on our sleeping bags and play mats before end of day

8/19/24: Robert Davis emailed on Fort Weekends behalf

8/19/24: Email response from Eric: "Robert and Casey,  
We are in the process of filing for bankruptcy. We do not have possession of the sleeping bags. They are not in the US. We'll update you if/when they are available. Getting the crib sheets took a lot of effort"

8/20/24: Email to Eric Li begging for any information so that we could try to facilitate delivery of sleeping bags and play mats on our own. No responses.

9/5/24: Additional text to Laila asking if anything can be done

9/9/24: Additional text messages to Laila asking for help and letting her know we' file a scam report

9/30/24: Additional email to Laila, final attempt

Fort Weekend has not received any product shipments since receiving the 510 crib sheets, and Effias has not responded to any communications since August 13<sup>th</sup>, 2024.

### **III. CAUSES OF ACTION**

#### **A. Breach of Contract.**

As set forth in the time line above and on the Invoices referenced above, Effias entered into an agreement that was designed to be performed in less than one year, the terms of the agreement are set forth in writing in the e-mails set forth above and in the invoices referenced above. Under the terms of the agreement, Effias agreed to manufacture and ship the children's sleeping bags and other products of Fort Weekend to Fort Worth, Texas. Effias breached that contract, and to date Effias has not attempted to perform and has not performed it's contractual obligations. This breach of contract and non-performance by Effias has resulted in untold damages to Fort Weekend, as set forth in the damages section below.

#### **B. Fraud and/or Negligent Misrepresentation and Unjust Enrichment.**

The Defendants made material representations that were false, the Defendants knew that the representations were false and/or made the misrepresentations recklessly without any knowledge of it's truth, the Defendants intended to induce the Plaintiff to act on those misrepresentations, and Plaintiff justifiably relied on those misrepresentations causing the Plaintiff severe injury. The Defendants also engaged in constructive fraud, fraudulent nondisclosure, and/or fraudulent

inducement. In the alternative, Defendants engaged in negligent misrepresentations. Plaintiffs have suffered damages in the form of economic damages, including direct and special damages, including lost out of pocket damages for the money paid to manufacture the products that were never delivered, lost profits, exemplary damages, damage to the reputation of Fort Weekend, lost business and sales opportunities, mental anguish and emotional distress damages, attorney fees and costs of court. To the extent that the products paid for that are in existence but not delivered, Plaintiffs ask for an order requiring that any person or entity holding or possessing those products be ordered to immediately release those products to Plaintiff. Plaintiffs also ask for declaratory relief in the form of a Court Order and finding that Defendants breached their contract, committed fraud and were unjustly enriched. Damages in this case exceed \$500,000.00, and attorney fees and costs will equal or exceed more than \$250,000.00 through trial, and if appeal is necessary, attorney fees will equal or exceed \$50,000.00 through appeal.

### C. Civil RICO Claim

Effias is also liable under Federal Civil RICO provisions as part of an international conspiracy to defraud companies in the United States by using recent trade agreements between Vietnam and the United States to convince companies in the United States to enter into false and fraudulent transactions with Vietnamese Manufacturers through shell companies set up in California and other states that have low compliance and enforcement standards for LLCs and other business entities, which makes setting up shell companies easier. Consequently, these shell companies take on the appearance of legitimate companies engaging in trade with Vietnam and other Asian nations.

In this case there is a pattern of racketeering activity, culpable entities and persons with the requisite mens rea, an enterprise, and an effect on interstate commerce. A “pattern” of racketeering activity can be established through the “closed-ended continuity” involved in this fraudulent transaction and Effias attempt to continue this fraudulent activity through seeking additional orders and payments from Fort Weekend. The series of related predicate acts are set forth above and incorporated herein by reference, these acts were committed over a substantial period of time. Based upon information and belief, there is also an “open-ended continuity,” as the Defendants pose a threat of continuing criminal activity that extends beyond the initial period of time when the predicate acts were originally committed. The prohibited acts were “continuous and interrelated”—that is, the wrongful acts had similar goals, purposes, methods, and results. The Defendants are culpable entities and persons who have had the requisite mens rea and engaged in the prohibited acts. The culpable persons are the Defendants, as well as other as yet unidentified co-conspirators, who actually committed the RICO violation and conspired to do so. The “culpable persons,” in this case the Defendants and their as yet undetermined co-conspirators, are individuals or entities capable of holding a legal or beneficial interest in property. The culpable persons and entities, as set forth in the fact

section above, possessed the mental state required to commit the alleged predicate offenses of wire, phone and mail fraud. The Defendants intended to commit the predicate acts of interstate and international fraud and had knowledge that those acts were illegal.

Acting together and in concert, the Defendants and their as yet unnamed co-conspirators, are associated individuals and entities are both formal and informal associations, and association-in-fact enterprises, that worked together in furtherance of a common illegal interest. The enterprise, Effias, is a distinct and separate legal entity from the culpable individual Defendants named in this suit.

The Predicate acts are the independent illegal racketeering activities noted above, which includes certain specifically enumerated federal crimes and certain state offenses which are prohibited and are deemed "predicate acts" necessary to state a claim under RICO. The list of prohibited activities includes, among others, wire or mail fraud, which the Defendants have clearly engaged in committing as set forth above in the Fact Section of this Complaint. Based upon information and belief, Fort Weekend was not the only entity or individual defrauded through this RICO enterprise.

The funds which were fraudulently obtained from Fort Weekend through wire and mail fraud, constituted racketeering income, and those funds were invested in an enterprise, including Effias and other formal and informal associations and associations in fact, due to a pattern of racketeering activity, the operation of a RICO enterprise, and a RICO conspiracy. Plaintiffs rely on 18 U.S.C. § 1962(c), which includes conducting the affairs of an enterprise through a common pattern of racketeering activity.

Plaintiffs are entitled to treble damages and punitive damages under Rico.

Plaintiffs reserve the right to amend or supplement their pleadings as further facts emerge.

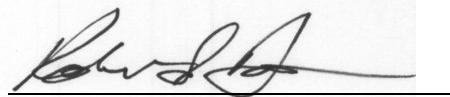
#### **IV. CONCLUSION**

Wherefore, premises considered, the Plaintiffs are entitled to damages, and seek damages equal to or in excess of \$500,000.00 on their Breach of Contract claims. Plaintiffs are entitled to damages, and seek damages equal to or in excess of \$500,000 on their Fraud claims. Plaintiff's are entitled to treble damages, and seek treble damages of \$1,500,000 on their Civil RICO claims. Plaintiff's seek punitive damages in an additional amount of \$1,000,000 to punish the Defendants for the intentional harm that they caused to Plaintiffs through their wanton, malicious and/or grossly negligent acts. Plaintiff's also seek injunctive relief in the form of an order to impound any products manufactured by, shipped by or shipped to Effias that are in any port in the United States, and any and all other equitable relief, including unjust enrichment, a declaratory judgment that Defendants engaged in Breach of Contract, Fraud and Rico violations. Plaintiffs also seek their

attorney fees and costs of Court, which the Plaintiffs believe will be in excess of \$250,000.00 through trial, and for any and all other relief, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

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